IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 457 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KALUKHAN PRIYAKHAN BLOCK (SINDHI)

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 457 of 2003

MS JAYSHREE C BHATT for Petitioner No. 1

MR RM CHAUHAN for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 09/05/2003

ORAL JUDGEMENT

1. Rule. Mr. R.M. Chauhan, learned A.P.P. waives service of notice of Rule on behalf of the respondents.

Heard the learned counsel for the parties.

2. This application has been filed for grant of parole leave for a period of 30 days to the prisoner on the ground that the marriage of prisoner's daughter is scheduled on 15-5-2003.

3. The learned counsel for the petitioner submitted that for that purpose the application has been moved before the respondent no. 3 - I.G. Prison, on behalf of prisoner but the same has yet not been decided. Therefore, the present application has been filed before this Court. Learned counsel for the petitioner submitted that the presence of the prisoner is badly required at the time of marriage of the daughter of the prisoner and therefore he may be released on parole leave to enable him to attend the marriage ceremony of his daughter.

4. In the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, the respondent no. 3 i.e. I.G. Prison concerned is directed to decide the application moved on behalf of the prisoner for the aforesaid purpose in accordance with law, on or before 13th May 2003, so that the prisoner can attend the marriage ceremony of his own daughter, if parole leave is granted by the respondent no. 3. The I.G. Prison - respondent no. 3 shall forthwith convey intimation to the prisoner and / or petitioner about the order passed by him. Rule is made absolute. D.S. today is permitted.

(Kundan Singh, J.)

/JVSatwara/